

SESSIONAL PAPER No. 18

By these two ordinances, which have been transmitted to your Majesty and never disallowed, and are therefore supposed to have received the sanction of your Majesty's royal approbation, the Canadian laws and customs have been generally supposed to be abolished, and the English laws and customs to have been introduced in their stead, and the judges of your Majesty's courts of judicature in this province have conceived themselves to be in conscience bound to administer justice according to the laws of England.

Other public instruments which have tended to produce the same effect.

Besides these two ordinances there are several other public instruments and acts of government by which the laws of England are supposed to have been introduced into this province. Some of these instruments are acts of parliament, which introduce those particular parts of the laws of England, to which they relate, into this province ; and others of them are instruments of a high and important nature, that bear the sanction of your Majesty's royal authority, by which it is generally understood to have been your royal pleasure to abolish the former laws and customs of this province, and for the sake of governing your new Canadian subjects in a milder and more indulgent manner than they had heretofore been used to, and associating and connecting them with the greater part of your ancient and natural-born subjects of Great Britain by the strong tie of an union and communion of laws, to introduce the laws of England in their stead. These acts of parliament and other instruments of government are as follows ;

Acts of Parliament.

The acts of parliament that relate to this province are of two kinds; some of them are prior to the conquest of this province by your Majesty's arms in the year 1760, but extend to your Majesty's future American dominions, as well as those which belonged to the Crown of Great-Britain at the times of passing them, either by express words for that purpose, or by some general words that have been deemed by your Majesty's ministers and law-officers, by just construction in law, to comprehend them ; and others of the said acts have been passed by your Majesty's self, by the advice and with the consent of your parliament, since the conquest and cession of this province by the last definitive treaty of peace.

Stat. I. Eliz.
cap. I.

The most ancient act of parliament of the first kind that we have met with is that of the 1st of Queen Elizabeth, chap. I, by which the pretended authority of the bishop of Rome was abolished throughout all the dominions of the crown of England. The 16th section of this statute is of the following tenor : "And
"to the intent that all usurped and foreign power and authority,
"spiritual and temporal, may forever be clearly extinguished,